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Tamuning, Guam 96913
Telephone No. (671) 646-1222
Facsimile No. (671) 646-1223
Email: roberts@guamlawoffice.com

Attorneys for Defendant
Kan Pacific Saipan, Ltd.
dba Mariana Resort and Spa

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS

KOICHI TANIGUCHI,	)	CIVIL CASE NO. 08-00008
)	
Plaintiff,)	
	)	DECLARATION OF TIM ROBERTS
vs.)	
)	
KAN PACIFIC SAIPAN, LTD. dba)	
Mariana Resort and Spa,)	
)	
Defendant.)	
)	

I, **Tim Roberts**, declare under penalty of perjury as follows:

1. I am a partner in the law firm of Dooley Roberts & Fowler LLP, co-counsel for defendant Kan Pacific Saipan, Ltd. dba Mariana Resort and Spa ("Kan Pacific") in the above-captioned action.

2. Attached hereto as "Exhibit A" is a true and accurate copy of Defendant's First Interrogatories to Plaintiff, together with confirmation of service by facsimile on April 22, 2008.

3. Attached hereto as "Exhibit B" is a true and accurate copy of Defendant's First Request for Production of Documents, together with confirmation of service by facsimile on April 22, 2008.

4. No responses to the request for production have been served. Those responses are more than thirty (30) days overdue. No objections to the request for production have been lodged. On July 1, 2008, I did receive in the mail an unsigned, unsworn document purporting to be a response to the interrogatories.

5. Attached hereto as "Exhibit C" is a true and accurate copy of Kan Pacific's May 27, 2008 Notice of Deposition of Plaintiff.

6. Attached hereto as "Exhibit D" is a true and accurate copy of Kan Pacific's June 19, 2008 Notice of Cancellation of Deposition. The deposition of the plaintiff was cancelled because I could not adequately prepare for the deposition without first receiving responses to the interrogatories and arranging for translation of the documents to be produced in response to the request for production.

7. I met and conferred telephonically with plaintiff's counsel, Douglas F. Cushnie, Esq., on June 11, 2008. Attached hereto as "Exhibit E" are copies of all relevant emails exchanged between Mr. Cushnie and I related to his client's responses to our discovery.

I declare under the penalty of perjury, under the laws of Guam and the Northern Mariana Islands, that the foregoing is true and correct.

Executed this 2nd of July, 2008 in Tamuning, Guam.



TIM ROBERTS

RICHARD W. PIERCE, LLC
ATTORNEY AT LAW

SECOND FLOOR, ALEXANDER BLDG.
BEACH ROAD, SAN JOSE
P.O. BOX 503514
SAIPAN, MP 96950
TEL: (670) 235-3425/
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rwpierce@saipan.com

FACSIMILE TRANSMISSION COVER LETTER

F A X E D
DATE: 04-22-08
13:45pm

TO: **Douglas F. Cushnie**
Attorney at Law

Fax No.: 234-9723

Pages transmitted (including this page) 10

From: **Richard W. Pierce**

Sent by: **Marita A. Maravilla, Secretary**

Date: April 22, 2008

Subject: Taniguchi -v- Kan Pacific Saipan, Ltd., CA No. 08-0008

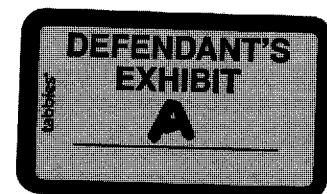
Message:

Attached are:

1. Defendant's First Interrogatories to Plaintiffs; and
2. Defendant's First Request for Production of Documents

in the above captioned matter.

THE INFORMATION CONTAINED IN THIS FAX MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENT NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION AND, AS SUCH, IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS INFORMATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.



Transmission Report

Date/Time
Local ID
Local Name
Company Logo

4-22-08;13:45
2353427
RWPierce Law LLC

This document was confirmed.
(reduced sample and details below)
Document Size Letter-S

RICHARD W. PIERCE, LLC
ATTORNEY AT LAW

SECOND FLOOR, ALEXANDER BLDG.
BEACH ROAD, SAN JOSE
P.O. Box 505314
SAFARI, MP 95054
TELE: (408) 235-3427
FAX: (408) 235-3427
Email: rwpierce@rwpierce.net
rwpierce@rwpierce.com

FACSIMILE TRANSMISSION COVER LETTER

TO: **Douglas F. Cushnie**
Attorney at Law
Fax No.: 234-9723 Pages transmitted (including this page) 10
From: **Richard W. Pierce** Sent by: **Marilia A. Maravilla, Secretary**

Date: April 22, 2008

Subject: **Taniguchi -v- Kan Pacific Shipan, Ltd., C/A No. 08-0008**

Message:

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THE INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE. IT IS THE PROPERTY OF THE U.S. GOVERNMENT AND IS LOANED TO YOU. IT AND ITS CONTENTS ARE NOT TO BE DISTRIBUTED OUTSIDE YOUR AGENCY. IF YOU HAVE ANY QUESTIONS, CONTACT THE OFFICE OF THE DIRECTOR, NATIONAL ARCHIVES, COLLEGE PARK, MARYLAND 20740-6001. TEL: (301) 837-1100. FAX: (301) 837-1101. E-MAIL: oia@nara.gov.

Total Pages Scanned : 10 Total Pages Confirmed : 10

No.	Doc	Remote Station	Start Time	Duration	Pages	Mode	Comments	Results
1	359	2349723	4-22-08;13:43	1'59"	10/ 10	EC		CP 24.0

Notes :

EC: Error Correct
BC: Broadcast Send
CP: Completed
HS: Host Scan
HF: Host Fax

RE: Resend
MP: Multi-Poll
RM: Receive to Memory
HP: Host Print
HR: Host Receive

PD: Polled by Remote
PG: Polling a Remote
DR: Document Removed
FO: Forced Output
FM: Forward Mailbox Doc.

MB: Receive to Mailbox
PI: Power Interruption
TM: Terminated by user
WT: Waiting Transfer
WS: Waiting Send

Richard W. Pierce Law Office, LLC
P.O. Box 503514 CK
Saipan MP 96950-3514
Tel: 670/235-3425; Fax: 670/235-3427

Tim Roberts, Esq.
Dooley Roberts & Fowler LLP
Suite 201, Orlean Pacific Plaza
865 South Marine Corps Drive
Tamuning, Guam 96913
Telephone: (671) 646-1222; Fax: (671) 646-1223

Attorneys for Defendant
KAN PACIFIC SAIPAN, LTD.
dba Mariana Resort and Spa

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS

KOICHI TANIGUCHI	)	CIVIL ACTION NO. 08-0008
)	
Plaintiff,)	
)	
vs.	)	DEFENDANT'S FIRST
	)	INTERROGATORIES
KAN PACIFIC SAIPAN, LTD. dba	)	TO PLAINTIFF
Mariana Resort and spa)	
)	
Defendant.)	
)	
)	

TO: Plaintiff Koichi Taniguchi, and his attorneys of record, Douglas F. Cushnie, Attorney at Law

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Defendant requests Plaintiff to answer the following interrogatories within thirty (30) days. Answers to these interrogatories must be under oath.

DEFINITIONS

- A. The word "identify" means to describe in detail and as fully as possible the act, work, situation, event, date, result, etc., asked to be identified.
- B. The pronoun "you" refers to Plaintiff and Plaintiff's agents and representatives.
- C. The term "accident" refers to the incident described in Plaintiff's complaint which is alleged to give rise to a right to recover damages from Defendant.

INSTRUCTIONS

- A. In answering these interrogatories, Plaintiff is requested to furnish all information known or available to him regardless of whether this information is possessed directly by him or by his agents, employees, representatives, or investigators.
- B. If any of these interrogatories cannot be answered in full, please answer them to the extent possible, specifying the reason for any inability to fully answer the remainder of the interrogatory.
- C. Plaintiff's responses to these interrogatories are required to be supplemented or amended, as the case may be, in accordance with Rule 26(e) of the Rules of Civil Procedure.
- D. In answering these interrogatories, please state whether the information furnished is within Plaintiff's personal knowledge, and, if not, the name of each person to whom the information is a matter of personal knowledge, if known.
- E. When Plaintiff is asked to "identify" a person, the word "identify" means to state as much contact information for that person as is known to Plaintiff, including, if possible, the person's addresses, telephone numbers and email addresses.

INTERROGATORIES

1. Describe with particularity all factual grounds that support your claim that you are entitled to punitive damages in this case.
2. Identify the names, addresses, telephone numbers and email addresses of all people with personal knowledge of the execution of your contracts with the Kyowa group of companies (Kyowa Lead Co., Ltd., Kyowa Tatemono Co., Ltd., and/or Eight Grape Corporation).
3. Identify the names, addresses, telephone numbers and email addresses of all people with personal knowledge of the termination of your contracts with the Kyowa group of companies.
4. Identify the names, addresses, telephone numbers and email addresses of all people with personal knowledge your alleged inability to perform your obligations under your contracts with the Kyowa group of companies.
5. Describe your obligations under your contract with Kyowa Lead Co., Ltd.
6. Describe your obligations under your contract with Kyowa Tatemono Co., Ltd.
7. Describe your obligations under your contract with Eight Grape Corporation.
8. Describe why you were unable to perform your obligations under your contracts with the Kyowa group of companies.
9. State the amount of money you received from each of the Kyowa group of companies prior to your alleged injury on April 6, 2006.
10. Describe how your contracts with each of the Kyowa group of companies was terminated.

11. Describe all conversations you had with any Kyowa group employees related to the termination of any contract with any Kyowa company, including the name of the person you spoke with, what his or her position was, and what was said.

12. Have any of your physical activities in Saipan, C.N.M.I. been affected by your alleged injuries?

13. If the answer to the foregoing interrogatory is yes, please identify:

- a. What activities have been affected; and
- b. How such activities have been affected.
- c. The names and contact information of all people with knowledge of how such activities have been affected.

Dated: April 22, 2008

RICHARD W. PIERCE LAW OFFICE, LLC

By: 

RICHARD PIERCE

Attorney for KAN PACIFIC SAIPAN, LTD.
dba Mariana Resort and Spa

Dated: April 22, 2008

DOOLEY ROBERTS & FOWLER LLP

By: 

TIM ROBERTS

Attorney for KAN PACIFIC SAIPAN, LTD.
dba Mariana Resort and Spa

RICHARD W. PIERCE, LLC
ATTORNEY AT LAW

SECOND FLOOR, ALEXANDER BLDG.
BEACH ROAD, SAN JOSE
P.O. BOX 503514
SAIPAN, MP 96950
TEL: (670) 235-3425/
FAX: (670) 235-3427
Email: rwperce@vzpacifica.net
rwperce@saipan.com

FACSIMILE TRANSMISSION COVER LETTER

F A X E D

DATE: 04-22-08
13:45pm

TO: **Douglas F. Cushnie**
Attorney at Law

Fax No.: 234-9723 Pages transmitted (including this page) 10

From: **Richard W. Pierce** Sent by: **Marita A. Maravilla, Secretary**

Date: April 22, 2008

Subject: Taniguchi -v- Kan Pacific Saipan, Ltd., CA No. 08-0008

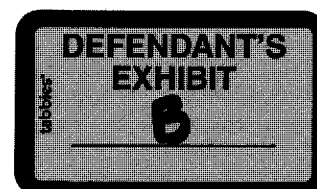
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2. Defendant's First Request for Production of Documents

in the above captioned matter.

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Transmission Report

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RWPierce Law LLC

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RICHARD W. PIERCE, LLC
ATTORNEY AT LAW

SECOND FLOOR, ALEXANDER BLDG.
BEACH ROAD, SAN JOSE
P.O. Box 205514
SAFARI, NY 10558
TELE (870) 235-3425
FAX (870) 235-3427
Email: rwpierce@rwpiercelaw.com
rwpiercelaw.com

FACSIMILE TRANSMISSION COVER LETTER

TO: Douglas F. Cushman
Attorney at Law
Fax No.: 234-9723 Pages transmitted (including this page) 10
From: Richard W. Pierce Sent by: Maria A. Maravilla, Secretary
Date: April 22, 2008

Subject: Taniguchi -v- Kan Pacific Saipan, Ltd., CA No. 08-0008

Message:

Attached are:

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MP: Multi-Poll
RM: Receive to Memory
HP: Host Print
HR: Host Receive

PD: Polled by Remote
PG: Polling a Remote
DR: Document Removed
FO: Forced Output
FM: Forward Mailbox Doc.

MB: Receive to Mailbox
PI: Power Interruption
TM: Terminated by user
WT: Waiting Transfer
WS: Waiting Send

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Defendant KAN PACIFIC SAIPAN, LTD. dba Mariana Resort and Spa ("Mariana Resort") requests Plaintiff Koichi Taniguchi to make available for inspection and copying at the Richard W. Pierce Law Office, LLC P.O. Box 503514 CK, Saipan MP 96950-3514, Tel: 670/235-3425; Fax: 670/235-3427, within thirty (30) days of the receipt of this document, the documents described herein.

DEFINITIONS

1. The word "document" includes writings, drawings, graphs, charts, photographs, and all electronic data capable of being converted into a document, such as email.
2. The word "accident" refers to the incident upon which suit has been brought in the above-captioned case.
3. The pronoun "you" or "your" refers to Plaintiff.

INSTRUCTIONS

1. Under Rule 34(b) of the Federal Rules of Civil Procedure you are required to produce the requested documents as they are kept in the usual course of business or to organize and label them to correspond with the categories in this request.
2. For each document responsive to this request that is withheld under a claim of privilege or work-product immunity, provide a statement under oath, by a person having personal knowledge, setting forth as to each document or portion withheld:
 - (a) The number and subject of each paragraph of this request that seeks its production;
 - (b) The name and title of the author(s);
 - (c) The name and title of each person to whom the document was addressed;
 - (d) The name and title of each person to whom a copy of the document was sent;
 - (e) The date of the document;
 - (f) The number of pages;
 - (g) A brief description of the nature and subject matter of the document;
 - (h) The identity of each person to whom the document, its contents, or any portion thereof is known or has been disclosed;
 - (i) The exact location of the original and each copy of the document as of the date of receipt of this request; and

- (j) If the document is withheld on any ground other than privilege, each basis that Plaintiff contends justifies its withholding.

3. If you are aware of any document otherwise responsive to these requests that is no longer in your custody or control, please identify the name and title of the author, the name and title of the addressee, the date of the document, the subject matter of the documents, the last date on which the document was in your control, the person(s) or entity, if any, now in control of the document, the reasons for your disposition or release of the document, all persons who have knowledge of the circumstances surrounding its disposition, and state what knowledge each such person has.

4. Reference to the singular includes the plural and reference to the plural includes the singular.

DOCUMENTS REQUESTED


Plaintiff is requested to produce the following documents:

1. All records reflecting any payments received by you from any of the Kyowa Group of companies (Kyowa Lead Co., Ltd., Kyowa Tatemono Co., Ltd., and/or Eight Grape Corporation) prior to your alleged injury on November 6, 2006, including, but not limited to, cancelled checks, deposit slips, wire transfer receipts, and similar documents.
2. All records reflecting all payments received by you from any of the Kyowa Group of companies subsequent to your alleged injury on November 6, 2006, including, but not limited to, cancelled checks, deposit slips, wire transfer receipts, and similar documents.
3. Your Japanese and American tax returns for the years 2003, 2004, 2005, 2006 and 2007.

4. A complete copy of all the pages of your passport in effect during the year 2006, 2007, and 2008.
5. All written correspondence between you and any of the Kyowa group of companies generated during the years 2005, 2006, 2007 or 2008.
6. All written correspondence between you and Hisato Endo generated during the years 2005, 2006, 2007 or 2008.
7. All documents evidencing any change in the business or other relationship between you and Hisato Endo in 2005, 2006, 2007 or 2008.
8. All documents evidencing any cancellation or termination of any agreement between you and any company caused by or related to the injuries you allegedly suffered on November 6, 2006.
9. All contracts under which you earned any money in the years 2003, 2004, 2005, 2006, 2007 or 2008.
10. All of your contracts and pay records with the Kyowa Group of Companies
11. All medical records and bills related to the injury you allegedly received on November 6, 2006.
12. All records tending to prove that you were unable to honor your contract to play baseball for any of the Kyowa group of companies.
13. All documents tending to indicate that you were unable to participate in coaching, clinics and required public appearances as a result of your injuries.
14. All documents tending to establish that Kyowa Tatemono Co., Ltd. cancelled its baseball season in 2007 or 2008 because of your injuries, as well as all documents evidencing any monetary losses incurred by you as a result of that cancellation.

15. All documents tending to establish that you were unable to honor any contract with any of the Kyowa group of companies as a result of the injury you allegedly suffered on November 6, 2006.
16. All your banking records for 2003, 2004, 2005, 2006, 2007, and 2008, including but not limited to statements, debit and credit documents, and bankbooks.
17. All documents referenced in your Initial Disclosure, dated March 14, 2008 that have not previously been produced to Defendant.
18. All documents in which you describe, in whole or in part, the injury you allegedly received on November 6, 2006.
19. All documents in which you describe, in whole or in part, what occurred on November 6, 2006, that allegedly injured you.

Dated: April 22, 2008

RICHARD W. PIERCE LAW OFFICE, LLC
By: 
RICHARD PIERCE

DOOLEY ROBERTS & FOWLER LLP

Dated: April 22, 2008

By: 
TIM ROBERTS

Attorneys for Defendant KAN PACIFIC SAIPAN, LTD. dba Mariana Resort and Spa

Richard W. Pierce Law Office, LLC
P.O. Box 503514 CK
Saipan MP 96950-3514
Tel: 670/235-3425; Fax: 670/235-3427

Tim Roberts, Esq.
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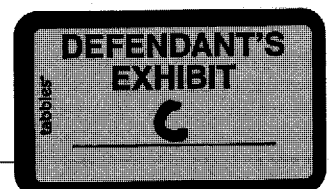
Attorneys for Defendant KAN
PACIFIC SAIPAN, LTD. dba
Mariana Resort and Spa

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS

KOICHI TANIGUCHI	)	CIVIL ACTION NO. 08-0008
)	
Plaintiff,)	
)	
vs.	)	NOTICE OF DEPOSITION
)	
KAN PACIFIC SAIPAN, LTD. dba)	
Mariana Resort and Spa)	
)	
Defendant.)	
)	

TO: Plaintiff Koichi Taniguchi, and his attorney of record, Douglas F. Cushnie, Esq.

Please Take Notice that on Friday, June 27, 2008, at the hour of 9:00 a.m., at the Law Office of Richard Pierce, Esq., 2nd Floor, Alexander Building, Beach Road, San Jose Village, Saipan, Defendants' attorneys will take the sworn deposition of Plaintiff, whose address is known to you. The deposition will be taken pursuant to Rule 30 of the Federal Rules of Civil Procedure and before a notary public or an officer authorized by law to administer oaths. The deposition will continue until completed. You are invited to attend and cross examine.



Dated: _____

RICHARD W. PIERCE LAW OFFICE, LLC

By: _____



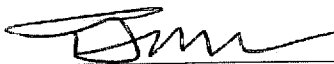
RICHARD PIERCE

Attorney for Defendants

Dated: 5/27/08

DOOLEY ROBERTS & FOWLER LLP

By: _____



TIM ROBERTS

Attorney for Defendants

Richard W. Pierce Law Office, LLC
P.O. Box 503514 CK
Saipan MP 96950-3514
Tel: 670/235-3425; Fax: 670/235-3427

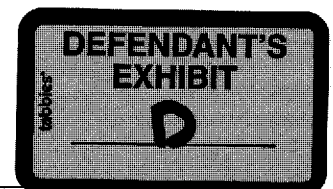
Tim Roberts, Esq.
Dooley Roberts & Fowler LLP
Suite 201, Orlean Pacific Plaza
865 South Marine Corps Drive
Tamuning, Guam 96913
Telephone: (671) 646-1222; Fax: (671) 646-1223

Attorneys for Defendant Kan Pacific
Saipan, Ltd. dba Mariana Resort and
Spa

**UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS**

KOICHI TANIGUCHI,	)	CIVIL ACTION NO. 08-0008
)	
Plaintiff,)	
)	
vs.	)	NOTICE OF CANCELLATION
	)	OF DEPOSITION
)	
KAN PACIFIC SAIPAN, LTD.,)	
)	
dba Mariana Resort and Spa,)	
)	
Defendant.)	
_____)	

Please Take Notice that by virtue of Plaintiff's failure to respond to Defendant's April 22, 2008 Interrogatories and Request for Production of Documents on or before May 22, 2008, or at any time since that date, the previously-noticed deposition of Plaintiff Koichi Taniguchi scheduled for Friday, June 27, 2008, shall be and is hereby cancelled.



Dated this 19th day of June, 2008.

Dated:

June 19, 2008

RICHARD W. PIERCE LAW OFFICE, LLC

By:

R W Pierce

RICHARD PIERCE

Attorney for Defendant Kan Pacific Saipan, Ltd.
dba Mariana Resort and Spa

Tim Roberts

From: Tim Roberts
Sent: Monday, June 30, 2008 3:54 PM
To: Tim Roberts
Subject: FW: Taniguchi v. Kan Pacific-Discovery

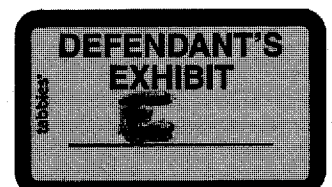
-----Original Message-----

From: abogados@pticom.com [mailto:abogados@pticom.com]
Sent: Monday, April 14, 2008 3:22 PM
To: Tim Roberts
Subject: Taniguchi v. Kan Pacific-Discovery

Tim:

I understand that you intend to take the deposition of my client and Dr. Arai. I would like to schedule a mutually convenient date for these depositions. I am told that Dr. Arai is willing to be deposed in Saipan, but will need at least two weeks notice. I would like to schedule the depositions in June, if your schedule permits.

Let me know if I should be communicating with you or Dick or both regarding this case.
Doug



Tim Roberts

From: Tim Roberts
Sent: Monday, June 30, 2008 3:53 PM
To: Tim Roberts
Subject: FW: Taniguchi v. Kan Pacific-Discovery

-----Original Message-----

From: Tim Roberts
Sent: Monday, April 14, 2008 3:55 PM
To: abogados@pticom.com
Subject: RE: Taniguchi v. Kan Pacific-Discovery

Doug, the 3rd or 4th week in June would be good for me for depositions. I'll check with Dick. We'll also be serving a request for production and some interrogatories this week.

Thanks for making Dr. Arai available in Saipan. We will, of course, pay for Dr. Arai's travel costs.

Tim Roberts

From: Tim Roberts
Sent: Monday, June 30, 2008 3:54 PM
To: Tim Roberts
Subject: FW: Taniguchi v. Kan Pacific-Discovery

-----Original Message-----

From: abogados@pticom.com [mailto:abogados@pticom.com]
Sent: Tuesday, April 15, 2008 11:53 AM
To: Tim Roberts
Subject: RE: Taniguchi v. Kan Pacific-Discovery

Tim:

Either the third or fourth week in June is fine for me. Pick a date or dates and I shall pass it on and get back to you with a firm date.

Doug

Tim Roberts

From: Tim Roberts
Sent: Monday, June 30, 2008 3:49 PM
To: Tim Roberts
Subject: FW: Taniguchi; your discovery responses

From: Tim Roberts
Sent: Tuesday, May 27, 2008 12:32 PM
To: abogados@pticom.com
Subject: Taniguchi; your discovery responses

Doug, I believe our discovery was served on you back on April 22, which made your responses due to be served last Thursday, May 22. Have you mailed the responses?

Tim Roberts, Esq.
Dooley Roberts & Fowler LLP
Suite 201 Orlean Pacific Plaza
865 S. Marine Corps Dr.
Tamuning, Guam 96913
Tel: 671-646-1222
Fax: 671-646-1223
Email: roberts@guamlawoffice.com
Web: www.guamlawoffice.com

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6/30/2008

Tim Roberts

From: Tim Roberts
Sent: Monday, June 30, 2008 3:55 PM
To: Tim Roberts
Subject: FW: Taniguchi; your discovery responses

-----Original Message-----

From: abogados@pticom.com [mailto:abogados@pticom.com]
Sent: Tuesday, May 27, 2008 2:41 PM
To: Tim Roberts
Subject: RE: Taniguchi; your discovery responses

Tim:

No, responses have not been sent to you as I do not yet have the basic information. Thus I shall need further time to provide the information. Hopefully this will mean no more than another week.

Thanks,
Doug

Tim Roberts

From: Tim Roberts
Sent: Monday, June 30, 2008 3:50 PM
To: Tim Roberts
Subject: FW: Taniguchi; your discovery responses

From: Tim Roberts
Sent: Wednesday, June 11, 2008 11:28 AM
To: 'abogados@pticom.com'
Cc: 'Richard W Pierce'
Subject: RE: Taniguchi; your discovery responses

Doug, since I first asked for the documents described in our request for production more than a year ago, as you can see by the attachments to this email, I must conclude that that it is time for us to "meet and confer" under LR 26.10. Please give me a call, or let me know when I can call you, to discuss your outstanding discovery responses. If you require a personal meeting, I'll ask Dick Pierce to meet with you.

Your client's deposition is scheduled for June 27, 2008 at the hour of 9:00 a.m. I need at least ten (10) working days to get your client's responses to our document requests translated and to prepare for the deposition. Therefore, I need your client's responses to our document requests by next Monday, June 16, 2008.

6/30/2008

Tim Roberts

From: Tim Roberts
Sent: Monday, June 30, 2008 3:55 PM
To: Tim Roberts
Subject: FW: Taniguchi; your discovery responses

-----Original Message-----

From: abogados@pticom.com [mailto:abogados@pticom.com]
Sent: Wednesday, June 11, 2008 1:42 PM
To: Tim Roberts
Subject: RE: Taniguchi; your discovery responses

Tim:

My apologies for the delay. We are having some translation difficulties. If you wish to call, I expect to be in the office all day for the remainder of the week.

Doug

Tim Roberts

From: Tim Roberts
Sent: Monday, June 30, 2008 3:51 PM
To: Tim Roberts
Subject: FW: Taniguchi; your discovery responses

-----Original Message-----

From: Tim Roberts
Sent: Wednesday, June 18, 2008 11:49 AM
To: 'abogados@pticom.com'
Cc: 'Richard W Pierce'
Subject: RE: Taniguchi; your discovery responses

Doug, we don't have your client's discovery responses and we don't anticipate that we will have them in the near future. We're going to go ahead and file a motion to compel to protect ourselves from later judicial criticism for waiting too long to take action. It's been 27 days since the responses were due and we're on a fairly fast track in this case.

This email will confirm that we "met and conferred" about the late responses last Wednesday, June 11, over the telephone, after I received your last email

If we go forward with your client's deposition on June 27th, we'd simply have to do it again after receiving and translating your client's discovery responses, and we doubt you want to go that route. Unless you're willing to have your client to fly to Saipan twice to be deposed, we're going to cancel the deposition set for the 27th. Let us know your preference, thanks.

Tim Roberts

From: Tim Roberts
Sent: Monday, June 30, 2008 3:56 PM
To: Tim Roberts
Subject: FW: Taniguchi; your discovery responses

-----Original Message-----

From: abogados@pticom.com [mailto:abogados@pticom.com]
Sent: Thursday, June 19, 2008 9:58 AM
To: Tim Roberts
Subject: RE: Taniguchi; your discovery responses

Tim:

I understand your position. I have no objection to canceling the deposition and will so inform my client.
Doug